

AMENDED IN SENATE MAY 3, 2004

**SENATE BILL**

**No. 1590**

**Introduced by Senator Dunn**

February 20, 2004

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An act to add Section 6254.18 to the Government Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

SB 1590, as amended, Dunn. Public records: personal information.

The existing California Public Records Act provides that, except for exempt records, every state or local agency, upon request, shall make records available to any person upon payment of fees to cover costs.

This bill would exempt from disclosure under these provisions any record of ~~a state or local agency~~ *specified state agencies* that contains personal information received, collected, or compiled by that agency regarding the employees, volunteers, *board members*, officers, or contractors, ~~or other agents~~ of a reproductive health services facility, as defined under the Freedom of Access to Clinic and Church Entrances Act. *The bill would specify how those individuals may request nondisclosure of the information and would specify other restrictions on the use of the information.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature hereby finds and declares all of  
2 the following:

1 (a) No health care worker should be subject to the risk of  
2 threats, assaults, or physical harm in order to provide any legal  
3 medical procedure.

4 (b) A 2000 survey of providers or reproductive services  
5 conducted by the Senate Office of Research found that, from 1995  
6 through 2000, half of health care workers providing reproductive  
7 services experienced a crime consisting of threats of violence and  
8 vandalism.

9 (c) Threats of violence, stalking, and vandalism have extended  
10 beyond reproductive service providers to also target their family  
11 members and supporters.

12 (d) The personal information used to target the victims of these  
13 crimes often is obtained by making a request for public records  
14 from a government agency.

15 (e) The high incidence of violence against reproductive service  
16 providers is one of the primary reasons why access to reproductive  
17 health services has become increasingly difficult.

18 SEC. 2. Section 6254.18 is added to the Government Code, to  
19 read:

20 6254.18. (a) Nothing in this chapter shall be construed to  
21 require disclosure of any record of a public agency that contains  
22 personal information received, collected, or compiled by that  
23 agency regarding the employees, volunteers, ~~officers, contractors,~~  
24 ~~or other agents—~~*board members, officers, or contractors* of a  
25 reproductive health services facility, as defined in subdivision (h)  
26 of Section 423.1 of the Penal Code.

27 (b) For purposes of this ~~section,~~ *“personal section:*

28 (1) *“Personal information”* means any information that is  
29 maintained by a public agency that identifies or describes an  
30 individual, including, but not limited to, his or her name, social  
31 security number, physical description, home address, home  
32 telephone number, education, financial matters, medical or  
33 employment history, electronic mail address, and information that  
34 reveals any electronic network location or identity.

35 (2) *“Public agency”* means all of the following:

36 (A) *The State Department of Health Services.*

37 (B) *The Department of Consumer Affairs.*

38 (C) *The Department of Managed Health Care.*

39 (c) *In order for this section to apply to an individual who is an*  
40 *employee, volunteer, board member, officer, or contractor of a*

1 *reproductive health services facility, the individual shall notify the*  
2 *public agency to which his or her personal information is being*  
3 *submitted or has been submitted that he or she falls within the*  
4 *application of this section. The reproductive health services*  
5 *facility shall retain a copy of all notifications submitted pursuant*  
6 *to this section. This notification shall be valid if it complies with*  
7 *all of the following:*

8 *(1) Is handwritten by the person who signs it or is in a typeface*  
9 *no smaller than 14-point type on the official letterhead of the*  
10 *facility.*

11 *(2) Is clearly separate from any other language present on the*  
12 *same page and is executed by a signature that serves no other*  
13 *purpose than to execute the notification.*

14 *(3) Is signed and dated by both of the following:*

15 *(A) The individual whose information is being submitted.*

16 *(B) The executive officer of the reproductive health services*  
17 *facility.*

18 *(d) The privacy protections to personal information authorized*  
19 *pursuant to this section shall be effective for six months following*  
20 *the date of separation from a reproductive health services facility*  
21 *for an individual who has served for one year or less as an*  
22 *employee, contractor, volunteer, board member, or officer of the*  
23 *reproductive health services facility, and shall be effective for one*  
24 *year following the date of separation from a reproductive health*  
25 *services facility for an individual who has served for more than one*  
26 *year as an employee, contractor, volunteer, board members, or*  
27 *officer of the reproductive health services facility. Within 90 days*  
28 *of separation of an employee, contractor, volunteer, board*  
29 *member, or officer of the reproductive health services facility, the*  
30 *facility shall provide notice of the separation to the relevant*  
31 *agency or agencies.*

32 *(e) Nothing in this section shall prevent the disclosure by a*  
33 *government agency of data regarding age, race, ethnicity, national*  
34 *origin, or gender of individuals whose personal information is*  
35 *protected pursuant to this section, so long as the data contains no*  
36 *individually identifiable information.*